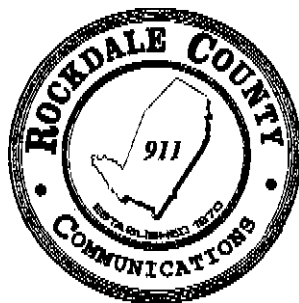


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JENNIFER O. RUTLEDGE, COUNTY CLERK

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

April 10, 2007

RE: WT Docket 02-55, Request for Limited Waiver of Rockdale County Georgia

Dear Ms. Dortch:

Pursuant to Sections 1.3 and 1.925(b) (3) of the Commission's Rules, Rockdale County, Georgia respectfully requests a limited waiver of Section 90.677 of the Commission's Rules. Specifically, Rockdale County requests suspension of all frequency reconfiguration planning and negotiations until September 2008; continuing to proceed with reconfiguration at this time exposes the public safety network to potential interference from Channel 69, Atlanta, Georgia. Rockdale County considers this an unacceptable risk, and believes the public interest would best be served through postponing reconfiguration implementation until the digital television transition is completed in February 2009.

Rockdale County is a NPSPAC license holder and as the Director of the Rockdale County Communications Center as well as a Vice President of the Georgia State Chapter of APCO, I am requesting specific relief for Rockdale County and proposing a broader approach for addressing the impact of Channel 69 analog television operations on neighboring NPSPAC licensees.

Currently the replacement channel scheme for NPSPAC licensees contemplates moving public safety network communications in the very close proximity to broadcast operations of analog television Channel 69. As you know, the risk is if a NPSPAC license holder moves to the new frequency assignments and realizes interference, it is unclear whether Sprint/Nextel must provide the licensee with a technical solution until the broadcaster vacates its Channel 69 assignment on or before February 17, 2009. Once the migration has occurred there is no reverting back to the original assignments because Sprint/Nextel and Southern Company will hold the transferred licenses. There will be no entity to turn to in order to make the NPSPAC license holder whole except for the federal government. The discussions with the FCC are inconclusive and license holders are awaiting announcement of a course of action.

Requiring Rockdale County to comply with current deadlines for completing frequency reconfiguration negotiations and planning would contradict the entire purpose of reconfiguration, which **is** to protect critical public safety communications networks from harmful interference. Rockdale County's licensed base station overlaps with the Grade **B** contour of channel 69, Atlanta. The Commission has considered this relevant to determinations of interference between UHF television and public safety communications in the context of 700 MHz band public safety use, therefore the Commission should find that for the same reasons, there is a likelihood Rockdale county will experience harmful interference. *See* 47 C.F.R. § **90.545**. The Commission has the option of ordering reconfiguration to proceed, with Sprint reimbursing Rockdale County for the cost of eliminating interference caused by Channel 69, or suspending negotiations until September 2008, with the goal of implementing reconfiguration after the digital television transition is complete. Rockdale County believes that the latter course of action best serves the public interest.

The likelihood of the **NPSPAC** license holders in the Atlanta metropolitan area to be adversely affected by the high power channel 68 frequencies are enough that the rebanding effort should not move forward until this issue is resolved. After numerous discussions with Georgia State Technical Authority, subject matter expert Tom Aliff at ARINC as well as the Chief Engineer at Channel 69, Rockdale County has no guarantee that there will be no issues once moved to the new frequency assignments.

Rockdale County supports suspending reconfiguration until the digital television transition is completed, however if the Commission decides to proceed with reconfiguration, it is important that the Commission make clear that Sprint/Nextel must provide **NPSPAC** licensees with protection from resulting Channel 69 interference as part of its obligation to provide comparable facilities. I **also** advocate that all **NPSPAC** license holders in the Atlanta area not proceed with the rebanding effort until the Georgia State Technical Authority study is completed. This study is vitally important and will provide information that will allow for a more informed course of action.

Rockdale County proposes that the Commission consider applying the interference protection principles of Section **80.545** of the Commission's Rules, which address a **similar** situation.

Your prompt attention and guidance to this public safety issue would be greatly appreciated

Respectfully Submitted,


Carolyn Hunter, Director
Rockdale County Communications